

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO**

Wendy Berry, Lorri Hulings, and Kathleen Sammons, individually and as representatives of a class of similarly situated persons, and on behalf of the FirstGroup America, Inc. Retirement Savings Plan,

Plaintiffs,

v.

FirstGroup America, Inc., FirstGroup America, Inc. Employee Benefits Committee, and Aon Hewitt Investment Consulting, Inc.,

Defendants.

Case No. 1:18-cv-00326-MWM

Judge Matthew W. McFarland

**PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF PARTIAL CLASS  
ACTION SETTLEMENT WITH AON HEWITT RETIREMENT CONSULTING, INC.**

Plaintiffs Wendy Berry, Lorri Hulings, and Kathleen Sammons ("Plaintiffs"), as representatives of the class previously certified by the Court (*see* Dkt. 82) and on behalf of the FirstGroup America, Inc. Retirement Savings Plan (the "Plan"), respectfully move this Court for an Order: (1) preliminarily approving the Settling Parties' Class Action Settlement Agreement; (2) approving the proposed Notices of Settlement and authorizing distribution of the Notices; (3) scheduling a Fairness Hearing; and (4) granting such other relief as set forth in the proposed Preliminary Approval Order submitted herewith, including a preliminary bar order consistent with Paragraphs 2.4(g) of the Settlement Agreement.

This motion is made pursuant to Federal Rule of Civil Procedure 23(e), and is based on the accompanying Memorandum of Law and authorities cited therein, the Declaration of Brock Specht and exhibits thereto, the Settling Parties' Settlement Agreement, and all files, records, and proceedings in this matter.

Aon Hewitt Investment Consulting, Inc. does not oppose Plaintiffs' motion.

Respectfully Submitted,

Dated: December 12, 2022

**NICHOLS KASTER, PLLP**

By: /s/ Brock J. Specht

Paul J. Lukas, *admitted pro hac vice*

Brock J. Specht, *admitted pro hac vice*

Matthew H. Morgan, *admitted pro hac vice*

Anna P. Prakash, *admitted pro hac vice*

Steven J. Eiden, *admitted pro hac vice*

Patricia C. Dana, *admitted pro hac vice*

4700 IDS Center

80 S 8th Street

Minneapolis, MN 55402

Telephone: 612-256-3200

Facsimile: 612-338-4878

lukas@nka.com

bspecht@nka.com

morgan@nka.com

aprakash@nka.com

seiden@nka.com

pdana@nka.com

**FREKING MYERS & REUL**

George M. Reul, Jr. (OH 0069992)

600 Vine Street, Suite 900

Cincinnati, Ohio 45202

Telephone: 513-721-1975

Facsimile: (513) 651-2570

greul@fmr.law

ATTORNEYS FOR PLAINTIFFS

**CERTIFICATE OF SERVICE**

I, Brock J. Specht, hereby certify that I served this document on counsel of record via ECF on December 12, 2022.

/s/ Brock J. Specht  
Brock J. Specht